

Speech

[Introduction]

- Dear Chair, dear Members of Parliament,
- I would like to thank you for your invitation to present today the Commission's first annual Rule of Law Report, which was published on 30 September last year.
- Let me first of all express my gratitude to you and the Irish authorities for your **strong commitment to upholding the rule of law** and to support the Commission in this field.

[Rule of law]

- **Respect for the rule of law** is key in the Union. Yet, we have seen these years that it cannot always be taken for granted.
- It is with this concern in mind that the Commission has published in September last year its first annual **Rule of Law Report**.

- This Report provides **a synthesis of significant rule of law developments** in the European Union since the beginning of 2019, as well as country-specific assessments for all the 27 Member States, including of course Ireland.
- We are already working on the second edition of the report, which we will **adopt in July this year**.
- I hope to be soon back, perhaps in person in Dublin, to present this second report to your Parliament.

[Irish country chapter]

- For Ireland like for all the Member States, the Commission looked at **four areas**, which are key for the rule of law: the independence, quality and efficiency of the justice system; the anti-corruption framework; media pluralism and media freedom; and other institutional checks and balances.

[Justice system]

- As regards the first pillar of the Report, relating to the **justice system**, let me start by welcoming the establishment, at the end of 2019, of an independent Judicial Council.
- On a general note, the perceived **independence of courts and judges** has been consistently high over the last years in Ireland.
- The Report has also noted the ongoing discussions as regards the **reform of the judicial appointment system**. A decrease in the number of candidates to be submitted to the Government for consideration, as well as the application of the procedure to all judicial appointments could limit political discretion.
- Concerns had been raised as regards the **previous Bill** relating to the **composition of the judicial appointment commission**.

The Report underlined the importance for this reform to take into account the **Council of Europe recommendations**.

- We are aware that the new Government is working on a new Bill and we are following this closely. Just lately, on 23 February, the Commission's services discussed this issue with the Irish authorities.
- A new body in charge of **disciplinary proceedings against judges** has also been established, the Judicial Conduct Committee. This could improve the accountability of judges.
- Parliament remains in charge of deciding the removal from office of judges, which could however raise concerns about the **politicisation of the process**.
- As regards the work on the **Personal Injuries Guidelines**, the Report notes that in the implementation of such guidelines, **due regard should be given to the respect of judicial independence**, not only from undue influences outside the judiciary, but also from within.
- A **Review Group on civil justice has also looked at access to justice and the cost of litigation**. This could be useful to address the concerns raised as regards the civil legal aid

system. Continuing the work to tackle remaining barriers to enter the legal services market is also important.

- We also note that work is still ongoing on establishing a **compensation scheme** to award damages in the event of protracted court proceedings, as required by a European Court of Human Rights judgment.

[Anti-corruption framework]

- On the second pillar of the Report, **the anti-corruption framework**, we take note that Ireland has carried out several reforms aiming at strengthening the fight against corruption, in particular through the Criminal Justice Act of 2018.
- This Act included several offences relating to corruption, which is a positive development. However, it also contains a **dual criminality provision, which may limit the scope for prosecuting foreign bribery.**
- There is a legal and institutional framework in place on asset declarations and interests, and codes of conduct and tax clearance obligations, which is under review.

- The Report noted that the Government committed to reform and consolidate **the Ethics in Public Office legislation**.
- We also underlined that **Ireland's defamation laws** raise concerns as regards the ability of the press to expose corruption.
- Finally, we noted that a comprehensive review of **Ireland's anti-corruption framework is being carried out**, and that a review of defamation legislation is ongoing.

[Media pluralism]

- Turning to our third pillar, **media pluralism**, there are constitutional guarantees and solid regulatory structures in Ireland in this regard. These operate within a political culture that avoids intervention in editorial content of media outlets and prevents conflicts of interests in terms of media ownership.
- The **media regulator** took steps to update and publish information on media ownership on an annual basis, which is to be welcomed.
- Freedom of expression and the right to access official information are well established principles.

- However, I would also like to underline the fact that the **frequent use and high costs of defamation cases** raise concerns.

[Checks and balances]

- Finally, concerning institutional **checks and balances**, the last pillar of the Report, Ireland has an established practice of consultation on draft legislation by the Government and Parliament, and of impact assessments.
- The **scrutiny over private Members' bills** that pass a certain stage of the legislative process is similarly developed.
- The independent **Human Rights and Equality Commission** is well equipped to carry out its functions.

- Finally, the space for civil society organisations is generally considered open. Yet **concerns have been raised** by some of them as regards **constraints on civil society actions** in relation to the current interpretation of the Electoral Act, which imposes restrictions on funding possibilities for civil society organisations.

[Follow-up to the Report]

- Ladies and gentlemen,
- As you may know, the **General Affairs Council** already held very constructive political debates on the Rule of Law Report **on two occasions** last year under the German Presidency, including a first country-specific discussion on five Member States, following the alphabetical Protocol order.
- These discussions will continue in the General Affairs Council in April, where **the situation in Ireland will be discussed** (together with France, Germany, Greece and Spain).
- I also already presented the Report before the **European Parliament** and I am bringing the debate before **national parliaments**. Your Parliament in the 16th I am visiting to exchange on the Report.
- I will continue with this month visits planned to Malta, Luxembourg and Lithuania.

[PIF Directive-Cooperation with the EPPO]

- Before concluding, let me say a few words about **the Directive on the Protection of the EU Financial Interest** - the PIF Directive - and the European Public Prosecutor Office, the EPPO.
- I understand that the **legislative procedure for the transposition of the PIF Directive** is **progressing** well and should be finalised very soon.
- I would like to kindly encourage you to **complete this procedure as soon as possible**. The **deadline** for transposition was **July 2019** and all the other Member States have now transposed this Directive.
- As you know, the PIF Directive defines the crimes affecting the Union budget, for which the European Public Prosecutor's Office, the EPPO, is competent.
- I know that Ireland does not participate in the EPPO. However, **all the Member States** have an **obligation to effectively protect the Union budget** and the PIF Directive plays a key role in this regard.

- In addition, I would like to invite Ireland to **smoothly cooperate with the EPPO**, in line with the principle of sincere cooperation.
- As you know, the Member States participating in the EPPO should soon notify it as a **competent authority** for the purpose of judicial cooperation, also within the EU. This will open the way for the EPPO to **issue decisions based on the principle of mutual recognition** also vis-à-vis Ireland.
- I count on the Irish authorities to **conclude a working arrangement with the EPPO soon**.

[Conclusion]

- Ladies and gentlemen,
- To conclude, it is now important to bring forward the reform impetus, and further improve respect for the rule of law, in Ireland like everywhere in the Union.
- What we want to promote is a stronger European rule of law culture.
- This is why a debate like the one we are having today is so important.
- Such debates are key steps towards the creation of a new Rule of Law culture, where national parliaments play an important role.
- I therefore hope that the debate will continue, also at regional or local level, including with the civil society.
- On its side, the Commission will continue to play its role as guardian of the Treaties, and use all the tools at its disposal to react to threats to the rule of law, whenever necessary.
- I thank you for your attention, and I am now looking forward to hearing your remarks and questions.